

GOVERNMENT DOCUMENTS:

ENABLING THE FUTURE: COMMUNICATIONS LAW SHOULD ANTICIPATE FUTURE TRENDS, AVOID STALEMATES OVER ISSUES THAT WILL SOON BECOME MOOT

United States Congress. Joint Economic Committee. May 2006. 19 pages.

<http://www.house.gov/jec/publications/109/05-16-06comm.pdf>

“The communications industry has experienced rapid innovation but the nation’s communications laws have not kept up. For legislation to encourage future advancements rather than impeding them, it must provide the public with greater certainty about the main goals of communications policy but allow much greater flexibility in achieving them. In the future, most video, voice and data will flow through the Internet, rather than dedicated channels. It will also be mobile. This will threaten traditional business models but will release a great amount of investment, social welfare and economic growth. It will also change the nature of most current communications issues. Congress should foster this trend by encouraging the rapid spread of high-speed broadband and ensuring active competition in all markets of the communications sector. This will inevitably threaten many existing business models. One of the best ways to spread broadband is to ensure that radio spectrum is used to maximize social value.”

NET NEUTRALITY: BACKGROUND AND ISSUES

Angele A. Gilroy. Congressional Research Service (CRS). May 16, 2006. 6 pages.

<http://fpc.state.gov/documents/organization/67140.pdf>

“As the 109th Congress continues to debate telecommunications reform, a major point of contention is the question of whether action is needed to ensure unfettered access to the Internet. The move to place restrictions on the owners of the networks that compose and provide access to the Internet, to ensure equal access and nondiscriminatory treatment, is referred to as “net neutrality.” There is no single accepted definition of “net neutrality.” However, most agree that any such definition should include the general principles that owners of the networks that compose and provide access to the Internet should not control how consumers lawfully use that network; and should not be able to discriminate against content provider access to that network.”

BROADBAND INTERNET REGULATION AND ACCESS: BACKGROUND AND ISSUES

Angele A. Gilroy and Lennard G. Kruger. Congressional Research Service (CRS). May 8, 2006. 17 pages.

<http://fpc.state.gov/documents/organization/66507.pdf>

“While President Bush has set a goal of universal broadband availability by 2007, some areas of the nation - particularly rural and low-income communities - continue to lack full access to high-speed broadband Internet service. In order to address this problem, the 109th Congress is examining the scope and effect of federal broadband financial assistance programs (including universal service), and the impact of telecommunications regulation and new technologies on broadband deployment. One facet of the debate over broadband services focuses on whether present laws and subsequent regulatory policies

are needed to ensure the development of competition and its subsequent consumer benefits, or conversely, whether such laws and regulations are overly burdensome and discourage needed investment in and deployment of broadband services.”

TELECOMMUNICATIONS: BROADBAND DEPLOYMENT IS EXTENSIVE THROUGHOUT THE UNITED STATES, BUT IT IS DIFFICULT TO ASSESS THE EXTENT OF DEPLOYMENT GAPS IN RURAL AREAS

Government Accountability Office (GAO). May 5, 2006. 70 pages.

<http://www.gao.gov/new.items/d06426.pdf>

“Both Congress and the President have indicated that access to broadband for all Americans is critically important. Broadband is seen as a critical economic engine, a vehicle for enhanced learning and medicine, and a central component of 21st century news and entertainment. As part of our response to a mandate included in the Internet Tax Nondiscrimination Act of 2004, this report examines the factors that affect the deployment and the adoption of broadband services. In particular, this report provides information on (1) the current status of broadband deployment and adoption; (2) the factors that influence the deployment of broadband networks; (3) the factors that influence the adoption, or purchase, of broadband service by households; and (4) the options that have been suggested to spur greater broadband deployment and adoption.”

DIGITAL TELEVISION: AN OVERVIEW

Lennard G. Kruger. Congressional Research Service (CRS). May 5, 2006. 46 pages.

<http://italy.usembassy.gov/pdf/other/RL31260.pdf>

“Digital television (DTV) is a new television service representing the most significant development in television technology since the advent of color television in the 1950s. DTV can provide sharper pictures, a wider screen, CD-quality sound, better color rendition, and other new services currently being developed. The nationwide deployment of digital television is a complex and multifaceted enterprise. A successful deployment requires: the development by content providers of compelling digital programming; the delivery of digital signals to consumers by broadcast television stations, as well as cable and satellite television systems; and the widespread purchase and adoption by consumers of digital television equipment.”

BROADBAND OVER POWERLINES: REGULATORY AND POLICY ISSUES

Patricia Moloney Figliola. Congressional Research Service (CRS). May 3, 2006. 19 pages.

<http://italy.usembassy.gov/pdf/other/RL32421.pdf>

“Driven by the growth of the Internet and the increasing demand for broadband services, electric utilities began exploring ways to turn a previously internal communications capability into a commercially viable, consumer service — Broadband over Powerlines (BPL). BPL has the potential to play a significant role in increasing the competitive landscape of the communications industry but also has the potential to extend the reach of broadband to a greater number of Americans. BPL, like any technology, has its advantages and disadvantages. Proponents state that (1) BPL is less expensive to deploy than the cable and telephone companies’ broadband offerings, (2) it does not require upgrades to the actual electric grid, and (3) it is not limited by certain technical constraints of its competitors. However, critics have expressed ongoing concern that BPL could interfere with licensed radio spectrum such as amateur radio, government, and emergency response frequencies.”

CONGRESSIONAL HEARINGS:

S. 2686, COMMUNICATIONS REFORM BILL HEARING II

U.S. Senate. Committee on Commerce, Science, and Transportation. Full Committee. May 25, 2006.

http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=1754

“This legislation is purposefully and rightfully directed towards opening new markets for broadband services and encouraging competition in the marketplace to ensure that consumers pay a reasonable price for access to these new services. Modernizing our telecom laws in ways that encourage the deployment of new telecommunications services to the marketplace also strengthens the long-term competitiveness and economic well-being of the United States.”

S. 2686, COMMUNICATIONS REFORM BILL HEARING I

U.S. Senate. Committee on Commerce, Science, and Transportation. Full Committee. May 18, 2006.

http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=1753

“Today marks the first of two hearings on S. 2826, the Communications Act Reform. Our initial draft, introduced more than two and a half weeks ago, was intended to offer a starting point to stimulate specific legislative proposals for improvement both from the members of our committee and from the industries, cities, and consumers who will be affected. And it certainly has stimulated discussion.”

H.R. 5126, THE TRUTH IN CALLER ID ACT OF 2006

U.S. House of Representatives. Committee on Energy and Commerce. Subcommittee on Telecommunications and the Internet. May 18, 2006.

<http://energycommerce.house.gov/108/Hearings/05182006hearing1904/hearing.htm>

“This bill is necessary to shut down the growing problem of manipulating caller ID information. Caller ID “spoofing” occurs when a caller masquerades as someone else by falsifying the number that appears on the recipient's caller ID display. Everyone is familiar with the caller ID product that provides to a consumer the name and number of who is placing an incoming call. Unfortunately, caller ID spoofing is yet another tool available to criminals to hijack the identity of consumers.”

BROADBAND PROGRAM ADMINISTERED BY USDA'S RURAL UTILITIES SERVICE

U.S. Senate. Committee on Agriculture, Nutrition and Forestry. Full Committee. May 17, 2006.

<http://agriculture.senate.gov/Hearings/hearings.cfm?hearingId=1904>

“We need to recognize that the broadband program is just one part of a more complex puzzle on promoting the deployment of equipment and facilities. New technologies like satellite and wireless systems are redefining how high speed access is delivered to homes and businesses across the country. It is important to note that other Federal agencies like the Department of Commerce, the Federal Communications Commission are key actors in this issue. Together, we can successfully reach the President’s goal of universal access.”

OVERSIGHT HEARING ON THE DISCUSSION DRAFT OF H.R. ___, THE SECTION 115 REFORM ACT (SIRA) OF 2006

U.S. House of Representatives. Committee on the Judiciary. Subcommittee on Courts, the Internet, and Intellectual Property. May 16, 2006.

<http://judiciary.house.gov/Oversight.aspx?ID=239>

“According to the International Federation of the Phonographic Industry (IFPI) World Sales 2005, global digital music sales nearly tripled in 2005. For this reason, the songwriting and music publishing

communities have consistently worked with new businesses to promote broad public access to their works. However, the influx of new online music companies that want immediately to offer a million or more tracks has put enormous strain on the music publishing industry in licensing mechanical rights. Despite the continued assistance music publishers have provided to foster the development of online music distribution, music publishers recognize the need to reform Section 115 of the Copyright Act for the digital delivery of music.”

INNOVATION AND INFORMATION TECHNOLOGY: THE GOVERNMENT, UNIVERSITY, AND INDUSTRY ROLES IN INFORMATION TECHNOLOGY RESEARCH AND COMMERCIALIZATION

U.S. House of Representatives. Committee on Science. Full Committee. May 5, 2006.

<http://www.house.gov/science/hearings/full06/May%205/index.htm>

“The briefing will address the following overarching questions: How does the federal investment in information technology R&D promote innovation in information technology and foster the development and commercialization of new applications? What role does university research play in innovation in information technology? How do universities balance federal and industry support for research projects? How do companies balance support for research conducted within the company and research performed at universities? What are the barriers to use of university results in commercialization of new information technology products? What areas of information technology research and what type of programs should the federal government emphasize to maintain U.S. competitiveness? How do these areas complement the focus and investments of industry research programs?”

DIGITAL CONTENT AND ENABLING TECHNOLOGY: SATISFYING THE 21ST CENTURY CONSUMER

U.S. House of Representatives. Committee on Energy and Commerce. Subcommittee on Commerce, Trade, and Consumer Protection. May 3, 2006.

<http://energycommerce.house.gov/108/Hearings/05032006hearing1846/hearing.htm>

“Given the importance of digital transition to both consumers and local broadcasters, any technical system developed to provide copy protection for digital content must not impede the digital radio roll-out. Although broadcasters oppose piracy in all shapes and forms, the National Association of Broadcasters (NAB) remains concerned that legislatively imposing requirements for digital copy protection at this time could stall the digital radio transition. Moreover, certain audio copy protection methods that have been proposed, such as encryption, are problematic for additional reasons. NAB accordingly urges Congress to allow the broadcast industry, the recording industry and other vital stakeholders to continue working toward a consensus on digital radio copy protection.”

THE FUTURE OF RURAL TELECOMMUNICATIONS: IS UNIVERSAL SERVICE REFORM NEEDED?

U.S. House of Representatives. Committee on Small Business. Subcommittee on Rural Enterprises, Agriculture, and Technology. May 3, 2006.

<http://wwwc.house.gov/smbiz/hearings/databaseDrivenHearingsSystem/hearingPage.asp?hearingIdDateFormat=060503a>

“The bedrock of rural telecommunications was a commitment by the federal government to provide universal service to all parts of America, including areas that are scarcely populated and expensive to service. The ultimate goal of the universal service policy is to ensure that every citizen, regardless of location, has affordable high-quality access to the public telecommunications network. After a decade,

Congress is again looking at re-writing the nation's telecommunications law. We will be examining the sustainability of the Universal Service Fund (USF) and whether reform of this program is needed."

MARKUP RECORDS:

NET NEUTRALITY BILL MOVES TO HOUSE FLOOR (H.R. 5417)

David Hatch. CongressDaily. National Journal Group Inc. May 25, 2006.

http://nationaljournal.com/members/markups/2006/05/mr_20060525_6.htm

"The House Judiciary Committee Thursday approved controversial legislation that would prohibit major telecom and cable companies from potentially blocking or degrading competing services on the Internet."

PANEL APPROVES BILL TO CRACK DOWN ON INTERNET GAMBLING (H.R. 4777)

Bill Swindell and Erin Madison. CongressDaily. National Journal Group Inc. May 25, 2006.

http://nationaljournal.com/members/markups/2006/05/mr_20060525_9.htm

"Law enforcement would be given more authority to prosecute most forms of interstate wagering through the Internet under legislation approved today by the House Judiciary Committee on a 25-11 vote."

ANOTHER MOVE IN HOUSE TO SHUT DOWN ONLINE GAMBLING (H.R. 4411)

Bill Swindell and Erin Madison. CongressDaily. National Journal Group Inc. May 25, 2006.

http://nationaljournal.com/members/markups/2006/05/mr_20060525_11.htm

"The House Judiciary Committee on Thursday approved legislation that would bar banks and credit card companies from processing payments for online bets."

HOUSE COMMERCE VOTES TO HALT CALLER ID SPOOFING (H.R. 5126)

Ben Evans. CongressDaily. National Journal Group Inc. May 24, 2006.

http://nationaljournal.com/members/markups/2006/05/mr_20060524_2.htm

"The House Energy and Commerce Committee approved Wednesday a bill making it illegal to manipulate caller identification services to trick people into providing private information over the phone."

RESEARCH CENTER REPORTS:

HOME BROADBAND ADOPTION 2006

Report. The Pew Internet & American Life Project. May 28, 2006. 26 pages.

http://www.pewinternet.org/pdfs/PIP_Broadband_trends2006.pdf

"Adoption of high-speed Internet at home grew twice as fast in the year prior to March 2006 than in the same time frame from 2004 to 2005. Middle-income Americans accounted for much of the increase, along with African Americans and new Internet users coming online with broadband at home. At the end of March 2006, 42% of Americans had high-speed at home, up from 30% in March 2005, or a 40% increase. And 48 million Americans -- mostly those with high-speed at home -- have posted content to the Internet."

FINDING ANSWERS ONLINE IN SICKNESS AND IN HEALTH

Report. The Pew Internet & American Life Project. May 2, 2006. 3 pages.

http://www.pewinternet.org/pdfs/PIP_Health_Decisions_2006.pdf

“As more Americans come online, more rely on the Internet for important health information. Many Americans are deepening their connections to the Internet, whether for entertainment or to help a loved one through a crisis. Fully 58% of those who found the Internet to be crucial or important during a loved one’s recent health crisis say the single most important source of information was something they found online.”

THINK TANK OPINION AND ANALYSIS:

CATCHING THE WEB IN A NET OF NEUTRALITY

Robert E. Litan. AEI-Brookings Joint Center for Regulatory Studies. Policy Matters 06-10. May 2006.

<http://www.aei-brookings.org/policy/page.php?id=252>

“Economists are fond of saying that there are no “free lunches,” which is to say that new products and services don’t magically appear. Those who benefit from them pay for them. A corollary of this simple principle is that markets will not work efficiently-- that is, they will not generate the maximum output at the least cost-- unless prices fully reflect all of the costs of products sold or services delivered. The Internet is no different. There are well known externalities associated with the Internet. One positive externality is that the more users there are, the more beneficial it is to be plugged in, and the more profitable it is to write software it is for Net applications. But increasingly, as content like movies, real-time games, and other data-heavy services like remote disease monitoring are made available, some data imposes negative externalities-- traffic congestion, if you will-- that adversely affect the ability of others to use the Net reliably.”

PERSPECTIVE: WHY DON’T WE JUST AUCTION THE ‘WHITE SPACE’?

Thomas Lenard. The Progress & Freedom Foundation. Progress Snapshot 2.13. May 2006. 3 pages.

http://www.pff.org/issues-pubs/ps/2006/ps_2.13_perspective.pdf

“It is extremely disappointing that Congress, supported by a large part of the technology industry that apparently believes it will sell more products in an unlicensed regime, is now proposing to take a big step backward by allocating a significant chunk of “beachfront” spectrum--the TV broadcast spectrum “white space”--to “unlicensed” uses. This is the polar opposite of a market-allocation regime.”

THE DMCA DIALECTIC: TOWARDS CONSTRUCTIVE CRITICISM

Solveig Singleton. The Progress & Freedom Foundation. Progress on Point 13.11. May 2006. 5 pages.

<http://www.pff.org/issues-pubs/pops/pop13.11dmca.pdf>

“The Digital Millennium Copyright Act (DMCA) restricts technology that serves a certain function at a time when some overlapping technology serves useful functions; as such, the law is problematic. Hard cases have arisen and will continue to arise. But critiques of the DMCA’s anti-circumvention provisions have had marginal impact. Why? The critics have understated the difficulty and mistaken the nature of the problem that the DMCA helps solve. It is everyone’s problem, not just the content industry’s; and it is a tough one. This analysis outlines this problem, revisiting the critiques and proposed alternatives in this context.”